

### **Remarks**

Claims 7, and 17-24 were pending in the above-identified application when last examined. Claims 22 and 24 are amended. Claim 17 is canceled. Claims 7 and 18-24 are presented for consideration and allowance.

### **Claim Rejection under 35 U.S.C. § 112**

The Examiner rejected claim 17 under 35 U.S.C 112, first paragraph, as failing to comply with the written description requirement. Claim 17 is canceled rendering the rejection of claim 17 moot.

The Examiner rejected claims 22 and 24 under 35 U.S.C 112, first paragraph, as failing to comply with the written description requirement. Claims 22 and 24 are written in independent form. Claims 22 and 24 no longer teach or suggest a planar cap in conjunction with a spherical cap. For at least this reason, Applicants request reconsideration and withdrawal of the rejection of claims 22 and 24 under 35 U.S.C. § 112, first paragraph.

The Examiner rejected claim 17 under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 is canceled rendering the rejection of claim 17 moot.

The Examiner rejected claims 22 and 24 under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 22 and 24 are written

in independent form. Claims 22 and 24 no longer teach or suggest a planar cap in conjunction with a spherical cap. For at least this reason, Applicants request reconsideration and withdrawal of the rejection of claims 22 and 24 under 35 U.S.C. § 112, second paragraph.

#### **Claim Rejection under 35 U.S.C. § 102**

Examiner rejected claims 7, 17 and 21 under 35 U.S.C. 102(b) as being anticipated by Kawae et al., hereinafter Kawae (US Patent Application Publication 2002/0080501). Applicants respectfully traverses this rejection.

Claim 17 is canceled rendering moot its rejection under 35 U.S.C. 102(b)

Regarding claims 7 and 21, Applicants disagree with the Examiner's reading of Kawae. The Examiner indicates that Kawae teaches a transparent cap comprising a spherical surface and has a constant thickness (see Fig. 9 and paragraph 59) Applicants submit that Figure 9 does not depict a cap with a constant thickness. Rather, Figure 9 depicts a thickness of indeterminate thickness. Nowhere in Kawae is it indicated that the cap in Figure 9 is constant thickness.

Moreover, Kawae teaches away from a cap with a constant thickness. Paragraph 59 of Kawae teaches that the thickness of the cover may be varied along the light intensity distribution of an LED such that the cover is thicker with stronger light intensity and thinner with weaker light intensity. Hence, Applicants submit that the Examiner has not shown that Kawae has shown that the cap has a constant thickness, as required by the limitations of claims 7 and 21.

Kawae does not disclose all the elements of claims 7 and 21. For at least this reason, Applicants request reconsideration and withdrawal of the rejection of claims 7 and 21 under 35 U.S.C. § 102(b).

Claims 19 and 23 depend from claim 7 and they are patentable for at least the same reasons as claim 7. For at least this reason, Applicants request reconsideration and withdrawal of the rejection of claims 19 and 23 under 35 U.S.C. § 102(b).

Regarding claim 22, the Examiner states that Kawae teaches a uniform planar cap. (See Office Action pg. 4). Applicants submit that Kawae does not teach all the elements of claim 22. Kawae does not teach or suggest a cap comprising a planar sheet of a single crystal phosphor as taught in claim 22 of this application. For at least this reason, Applicants request reconsideration and withdrawal of the rejection of claim 22 under 35 U.S.C. § 102(b).

Regarding claim 24, the Examiner states that Kawae teaches a uniform planar cap. (See Office Action pg. 4). Applicants submit that Figure 8 does not depict a cap with a constant thickness. Rather, Figure 8 depicts a thickness of indeterminate thickness. Nowhere in Kawae is it indicated that the cap in Figure 8 is constant thickness. For at least this reason, Applicants request reconsideration and withdrawal of the rejection of claim 24 under 35 U.S.C. § 102(b).

Examiner rejected claims 7, and 17-24 under 35 U.S.C. 102(e) as being anticipated by Ibbetson et al., hereinafter Ibbetson (US Patent Application Publication 2005/0093430). Applicants respectfully traverses this rejection.

Claim 17 is canceled rendering moot its rejection under 35 U.S.C. 102(e).

Regarding claim 7, Applicants disagree with the Examiner's reading of Ibbetson. The Examiner indicates that Ibbetson teaches encapsulating laser and LED (paragraph 35) with a soluble phosphor suspended in a uniform thickness cap (see e.g. item 38). Applicants submit that item 38 does not depict a cap with a constant thickness. Rather, item 38 depicts a thickness of indeterminate thickness. Nowhere in Ibbetson is it indicated that the cap in item 38 is a constant thickness.

Hence, Applicants submit that the Examiner has not shown that Ibbetson has shown that the cap has a constant thickness, as required by the limitations of claim 7. For at least this reason, Applicants request reconsideration and withdrawal of the rejection of claim 7 under 35 U.S.C. § 102(e).

Claims 18-21 and 23 depend from claim 7 and they are patentable for at least the same reasons as claim 7. For at least this reason, Applicants request reconsideration and withdrawal of the rejection of claims 18-21 and 23 under 35 U.S.C. § 102(b).

Regarding claim 22, the Examiner states that Ibbetson teaches a uniform planar cap. (See Office Action pg. 4). Applicants submit that Ibbetson does not teach all the elements of claim 22. Ibbetson does not teach or suggest a cap comprising a planar sheet of a single crystal phosphor as taught in claim 22 of this application. For at least this reason, Applicants request reconsideration and withdrawal of the rejection of claim 22 under 35 U.S.C. § 102(e).

Regarding claim 24, the Examiner states that Ibbetson teaches a uniform planar cap. (See Office Action pg. 4). Applicants submit that the Figures in Ibbetson do not

depict a cap with a constant thickness. Rather, the Figures in Ibbetson depict a thickness of indeterminate thickness. Nowhere in Ibbetson is it indicated that the cap in the Figures in Ibbetson is constant thickness. For at least this reason, Applicants request reconsideration and withdrawal of the rejection of claim 24 under 35 U.S.C. § 102(e).

**Claim Rejection under 35 U.S.C. § 103**

Examiner rejected claims 18 and 20 under 35 U.S.C. 103(a) as being unpatentable over Kawae in view of Lin. Applicants respectfully traverses this rejection.

Claims 18 and 20 depend from claim 7 and they are patentable for at least the same reasons as claim 7. For at least this reason, Applicants request reconsideration and withdrawal of the rejection of claims 18 and 20 under 35 U.S.C. § 103(a).

### Conclusion

Applicants respectfully submit that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby requested.

Respectfully submitted,

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/John Pessetto/

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